

JCOO Rec'd PCT/PTO 12 SEP 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/52396 #4

Applicant: AVERY, et al.
International Application No.: PCT/US2003/024938
International Filing Date: 07 August 2003 (07.08.2003)
For: Novel Antigiardial Agents And Methods Of Use Thereof
Attorney's Docket No. 11636N/021304
Customer No. 32885

**SUBMISSION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 8, 2005

Dear Sir:

This is in response to the Notice of Missing Requirements under 35 U.S.C. 371 in
the United States Designated/Elected Office (DO/EO/US) mailed July 26, 2005.

Please direct all correspondence to:

CUSTOMER NO. 32885

Richard S. Myers, Jr.
Registration No.: 42,022
Stites & Harbison, PLLC
424 Church Street, Suite 1800
Nashville, TN 37219
(615) 244-5200
ATTORNEY FOR APPLICANT

Enclosed are the following material(s) for filing in the U.S. Patent Application identified above, necessary for completing the filing requirements in connection with the above-identified application:

- A copy of the executed Declaration and Power of Attorney – 5 pages;
- A copy of the Notice of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and
- A copy of the Notification of the Recording of a Change received from the Internal Bureau of WIPO to correct notice requirements per telephone conversation with Ms. Paulette Kidwell on August 8, 2005.

Comments Regarding the Declaration

Please be advised that the executed Oath or Declaration submitted herewith contains an inventor listed as Telang Nakul submitted on February 7, 2005 as part of the first submission of items concerning a filing under 35 U.S.C. § 371.

The enclosed Notification of the Recording of a Change will act to correct the earlier incorrect spelling of the inventor's name as listed on the published application.


Applicants representative contacted Ms. Paulette Kidwell in the USPTO Office of PCT Operations about this stated error. Further to that conversation, the Notice to Correct is enclosed which indicates the correction of the inventor name as published in the international application.

Comments Regarding Additional Fees

The enclosed Notice of Missing Requirements requests a required surcharge fee of \$65.00 for providing a declaration later than 30 months from the priority date. Applicants representative contacted Ms. Paulette Kidwell in the USPTO about this stated amount. Further to that conversation, the enclosed Notification of the Recording of a Change is enclosed, which indicates the correct spelling of the inventor name and eliminates the additional fee requirement.

You are authorized to charge any deficiency or credit any overpayment associated with the filing of this application to Deposit Account 50-2752.

Respectfully submitted,



Richard S. Myers, Jr.
Registration No. 42,022
STITES & HARBISON, PLLC
424 Church Street, Suite 1800
Nashville, TN 37219
(615) 244-5200
ATTORNEY FOR APPLICANT

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this:

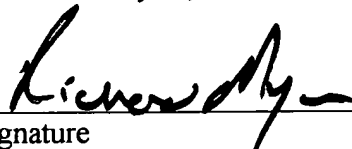
A copy of the Recording of a Change received from the Internal Bureau of WIPO;
A copy of the Notice of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and
return receipt postcard.

are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mailstop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

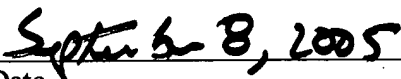
on September 8, 2005.

Richard S. Myers, Jr.



Signature

Registration Number 42,022



Date

11636N:021304:635604:1:NASHVILLE

JUL 29 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

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|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/523,964 | Mitchell Avery | 11636N/021304 |

32885
 STITES & HARBISON PLLC
 424 CHURCH STREET
 SUITE 1800
 NASHVILLE, TN 37219-2376

| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/US03/24938 | |
| IA. FILING DATE | PRIORITY DATE |
| 08/07/2003 | 08/07/2002 |

CONFIRMATION NO. 3982
 371 FORMALITIES LETTER



Date Mailed: 07/26/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/07/2005
- Copy of the International Search Report filed on 02/07/2005
- Preliminary Amendments filed on 02/07/2005
- Information Disclosure Statements filed on 02/07/2005
- Oath or Declaration filed on 02/07/2005
- Request for Immediate Examination filed on 02/07/2005
- U.S. Basic National Fees filed on 02/07/2005
- Priority Documents filed on 02/07/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - the declaration filed on 07 Feb 2005 is incorrect because inventor Telang Nakul is listed on the published application as Nakul Pelengq
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

DOCKET DATE: 9/26/05-resp.
 ASSIGNED BY: FV
 DOCKETED BY: FV
 DATE: 8/8/05

- **\$65** Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/523,964 | PCT/US03/24938 | 11636N/021304 |